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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
VICINAGE OF TRENTON**

*hearing date: August 27, 2013
hearing time: 10:00 am*

IN RE:
CRYSTAL M. RAMIREZ

Debtor.

CHAPTER 7
Case No.: 12-34475
Hon. Kathryn Ferguson
Bankruptcy Judge

**Notice of Motion
to Reopen**

PLEASE TAKE NOTICE that August 27, 2013 at 10:00 a.m. or as soon thereafter as I may be heard, I will appear before the Honorable Kathryn Ferguson or any Bankruptcy Judge presiding in her place at 402 East State Street, Trenton, NJ 08608 Courtroom 2. The debtor has attached a Motion to Reopen her Chapter 7 Bankruptcy Case for the purpose of submitting an Adversary Proceeding against PNC for Violation of the Court's Order Granting the Debtor's Motion to Redeem Property of the Estate and Contempt for the Discharge Injunction and shall request that the attached Order be entered at which time you may appear if so desired.

PLEASE TAKE FURTHER NOTICE that any opposition to this motion shall be made in writing five (5) days prior to the return date.

Dated: Newark, NJ
July 24, 2013

By: /s/ Michelle Labayen
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VICINAGE OF TRENTON

IN RE:

CRYSTAL M. RAMIREZ

Debtor

CHAPTER 7

Case No.: 12-34475

Hon. Kathryn Ferguson

Bankruptcy Judge

Motion to Reopen

**MOTION TO REOPEN THE DEBTOR'S CHAPTER 7 BANKRUPTCY
FOR THE PURPOSE OF FILING AN ADVERSARY PROCEEDING AND RECOURSE
AGAINST PNC BANK FOR CONTEMPT OF THIS COURT'S ORDER TO REDEEM
PERSONAL PROPERTY AND VIOLATION OF THE DISCHARGE INJUNCTION**

Now comes, NANCY M. RAMIREZ (hereinafter "Debtor") by and through her attorney Michelle Labayen of the Law Offices of Michelle Labayen PC and moves this Honorable Court for entry of an Order to Reopen the Debtor's Chapter 7 Bankruptcy case for the purpose of submitting an adversary proceeding against PNC Bank for contempt of this Court's order allowing the Debtor to redeem her personal property and for violation of the Discharge Injunction.

1. The Debtor filed for Relief under 11 U.S.C of the Bankruptcy Code Chapter 7 on October 6, 2012. ECF No.: 1
2. The Debtor indicated on her Schedule B and D personal property of a 2003 Mitsubishi Lancer with a debt owed to PNC Bank (hereinafter the vehicle) and her intent to keep the Property.
3. Based on a reaffirmation agreement sent by PNC bank and the fair market value of the car at the time of filing; the debtor filed a Motion to Redeem the Vehicle for \$1,494.00. ECF No.: 5.
4. A hearing was held on January 8, 2013, in which no appearance nor objection was filed by PNC bank, and the Debtor was granted the Motion to redeem the vehicle for \$1494.00. ECF No.: 10
5. On January 16, 2013, Debtor's counsel sent the Order to Dave Allebach, PNC Bankruptcy Specialist. Exhibit A.

6. On or about February 1, 2013, the Debtor mailed a check to PNC Bank 6750 Miller Road, Brecksville, OH 44141 for the amount of \$1,494. (Exhibit B)
7. On or about July 1, 2013 PNC Bank requested payment for the balance of the vehicle in violation of the Court's Order to Redeem and violation of the Discharge Injunction.
8. PNC has failed to release the lien, the title and is requesting additional payment plus interest and late fees.

WHEREFORE, DEBTOR prays that this Honorable Court enter an Order to reopen the Debtor's case in order to file an Adversary Proceeding for Contempt of the Court's Orders.

Dated: Newark, NJ
July 24, 2013

By: /s/ Michelle Labayen
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
VICINAGE OF TRENTON**

IN RE:

NANCY M. RAMIREZ

Debtor.

CHAPTER 7

Case No.: 12-34475

Hon. Kathryn Ferguson

Bankruptcy Judge

ORDER

Upon the application of Michelle Labayen seeking an Order to Re open the debtor's Chapter 7 case and due notice of the aforesaid application having been given to all necessary parties and;

WHEREAS; the debtor filed a Chapter 7 and;

WHEREAS; the debtor request to Redeem her car was Granted and the debtor received her Order discharging her of her debt and;

WHEREAS; on July 24, 2013, the Debtor filed a motion requesting the re-opening of her chapter 7 case and;

WHEREAS; there was no Opposition filed by any Creditor and after proper notice was provided to the Creditors, and after due deliberation;

IT IS HEREBY;

ORDERED that the Debtor's Chapter 7 case is reopened allowing the debtor to file an Adversary Proceeding in regards to Contempt of this Court's Order and violation of the Discharge Injunction

Dated:

Trenton, NJ

**Hon. Kathryn Ferguson
United States Bankruptcy Judge**

